



MAY 15 2006

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Dated: May 10, 2006 Signature: Shawn P. Foley
(Shawn P. Foley)

Docket No.: 1406C
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James A. Bianco

Application No.: 10/635,970

Group Art Unit: 1654

Filed: August 6, 2003

Examiner: Teller, Roy

For: Combinatorial Drug Therapy Using
Polymer-Drug Conjugates

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed January 10, 2006. The Action requires Applicant to elect one of the following species under 35 U.S.C. §121:

camptothecin, gemcitabine, raltitrexed, cyclophosphamide, vinorelbine tartrate, flavopiridol, imatinib mesylate, epirubicin, fluorouracil, mesna, bleomycin, vinorelbine and gefitinib.

In response, Applicant hereby elects the species vinorelbine. This election is made with traverse. The position of the Office is that election of species among the chemotherapeutic agents is proper because each has acquired separate status in the art as evidenced by their different classifications. Vinorelbine tartrate is the tartrate salt of vinorelbine, and any search as to one would be substantially (if not totally) co-extensive with the other. Further, these chemotherapeutic agents tend to be used synonymously in the art.

Accordingly, Applicant submits that the requirement to elect a species, at least as between vinorelbine tartrate and vinorelbine, is improper and should be withdrawn.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: May 10, 2006

Respectfully submitted,

By Shawn P. Foley
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